

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

DONALD DAVIS,

Petitioner,

v.

ROCK COUNTY SHERIFF ROBERT SPODEN,  
CHIEF DEPUTY BARBRA TILLMAN, C.O.  
SCHILT, SGT. BEYER, SGT. BURDICK, SGT.  
LALOR, SGT. SPRECHER, LT. RUSS STEEBER,  
SGT. MUGHANI, C.O. CRAIG WEBERG, C.O.  
MICHAEL SCHAUER, C.O. KRAHN, C.O.  
SIMON, C.O. TAPP, C.O. TECHMEIER, R.N.  
THAD, C.O. CLEASBY, C.O. VANDENBUREN,  
RECORDS OFFICE MS. J and KLUSMEYER,

Respondents.

---

ORDER

08-cv-584-slc

Because Judge Shabaz is on a medical leave of absence from the court for an indeterminate period, the court is assigning 50% of its caseload automatically to Magistrate Judge Stephen Crocker. At this early date, consents to the magistrate judge's jurisdiction have not yet been filed by all the parties to this action. Therefore, for the purpose of issuing this order only, I am assuming jurisdiction over the case.

On October 31, 2008, this court entered an order denying petitioner's motion for an order directing the Rock County Jail to provide him copies of his trust fund account statement because he did not submit proof that his request had been denied by jail officials. In the same order, this court extended petitioner's previous deadline and gave him until November 14, 2008

in which to submit his trust fund account statement. Now, petitioner has submitted a document titled "Motion for Summary Judgment - Order for Emergency Medical Treatment," that I construe as a motion for emergency injunctive relief. The motion will be denied.

In his motion, petitioner asks the court to immediately order medical treatment because of respondents "continued hinderance" of this lawsuit. Petitioner has attached to his motion 1) a document titled "Open Records Request," in which he asks jail officials for permission to review his financial information; 2) an "Inmate Property Control Outgoing Property," in which he requests a copy of his account statement covering the period beginning June 30, 2008 and ending October 31, 2008; and 3) a copy of his trust fund account statement covering the period from June 30 to October 31. It is clear from the materials petitioner has submitted that jail officials have complied with his request for a copy of his statement in a timely manner. The request form petitioner submitted for a copy of his statement is dated November 5, 2008. Petitioner received a copy of his statement two days later on November 7, 2008, as evidenced by his signature on the bottom of the statement. In no way does it appear that jail officials are trying to hinder the progress of this case. Further, this court will address petitioner's claims for injunctive relief at the time of screening of his complaint under 28 U.S.C. § 1915A. Therefore, I will deny petitioner's motion for emergency injunctive relief at this time.

From the trust fund account statement petitioner submitted with his motion, I have calculated the amount petitioner must pay as an initial partial payment of the \$350 fee for filing this case. Based on my calculation, petitioner will have to make an initial partial payment in the

amount of \$.08 and the remainder of the fee in monthly installments pursuant to 28 U.S.C. § 1915(b)(2).

ORDER

IT IS ORDERED that petitioner's motion for emergency injunctive relief (Dkt. #6) is DENIED.

Further, IT IS ORDERED that petitioner is assessed \$.08 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court on or before December 16, 2008. If, by December 16, 2008, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 25<sup>th</sup> day of November, 2008.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge